



**Minnesota Pollution  
Control Agency**

520 Lafayette Road North  
St. Paul, MN 55155-4194

# MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate  
Storm Sewer System (MS4) Permit MNR040000  
reissued with an effective date of August 1, 2013  
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

**Instructions:** This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

**Submittal:** This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at [ms4permitprogram.pca@state.mn.us](mailto:ms4permitprogram.pca@state.mn.us) from the person that is duly authorized to certify this form. All questions with an asterisk (\*) are required fields. All applications will be returned if required fields are not completed.

**Questions:** Contact Claudia Hochstein at 651-757-2881 or [claudia.hochstein@state.mn.us](mailto:claudia.hochstein@state.mn.us), Dan Miller at 651-757-2246 or [daniel.miller@state.mn.us](mailto:daniel.miller@state.mn.us), or call toll-free at 800-657-3864.

## General Contact Information (\*Required fields)

### MS4 Owner (with ownership or operational responsibility, or control of the MS4)

\*MS4 permittee name: City of Mound \*County: Hennepin  
(city, county, municipality, government agency or other entity)

\*Mailing address: 2415 Wilshire Boulevard

\*City: Mound \*State: MN \*Zip code: 55364

\*Phone (including area code): (952) 472-0603 \*E-mail: CarltonMoore@cityofmound.com

### MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

\*Last name: Moore \*First name: Carlton  
(department head, MS4 coordinator, consultant, etc.)

\*Title: Public Works Director

\*Mailing address: 2415 Wilshire Boulevard

\*City: Mound \*State: MN \*Zip code: 55364

\*Phone (including area code): (952) 472-0636 \*E-mail: CarltonMoore@cityofmound.com

### Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Bean First name: Robert  
(department head, MS4 coordinator, consultant, etc.)

Title: Water Resources Engineer

Mailing address: 2638 Shadow Lane, Suite 200

City: Chaska State: MN Zip code: 55318

Phone (including area code): (612) 756-3184 E-mail: bobbe@bolton-menk.com

## Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

## Certification (All fields are required)

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- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

*I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

*I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.*

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Carlton Moore  
(This document has been electronically signed)

Title: Public Works Director Date (mm/dd/yyyy): 12/20/2013

Mailing address: 2415 Wilshire Boulevard

City: Mound State: MN Zip code: 55364

Phone (including area code): (952) 472-0636 E-mail: CarltonMoore@cityofmound.com

**Note:** The application will not be  
processed without certification.

# Stormwater Pollution Prevention Program Document

## I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Minnehaha Creek Watershed District Provides review, regulation, and inspection for Construction Site Stormwater Runoff Control and Post-construction Stormwater Management. Partner to provide educational materials and engage public with various programs. Partner to inspect for illicit discharges.	MCM 1-5

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere\_Partnerships*.

## II. Description of Regulatory Mechanisms: (Part II.D.2)

### Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☐ Yes ☒ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☐ Ordinance ☐ Contract language  
☐ Policy/Standards ☐ Permits  
☐ Rules  
☐ Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

*The City will update its ordinances to meet permit requirements regarding Illicit Discharge Detection and Elimination within 12 months of permit coverage being extended. Also, MCWD recently adopted a final version of their IDDE rule. The City will partner with MCWD to inspect for illicit discharges.*

### Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☐ Ordinance ☐ Contract language  
☐ Policy/Standards ☐ Permits  
☐ Rules  
☒ Other, explain: Minnehaha Creek Watershed District - Erosion Control Rule

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*MCWD: Erosion Control Rule*

Direct link:

*MCWD:*

*<http://www.minnehahacreek.org/sites/minnehahacreek.org/files/pdfs/regulatory/Erosion%20Control%20Rule.pdf>*

- ☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_CSWreg.*

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*The City has given its regulatory authority to Minnehaha Creek Watershed District regarding construction site stormwater runoff control, and a Memorandum of Understanding between the City and MCWD outlines permitting authority. A copy of the MOU and the City Resolution returning authority to MCWD have been attached as CityofMound\_MCWD-MOU and CityofMound\_MCWD-MOU2011update. MCWD's rule does not currently meet permit requirements. MCWD will update their rule within 12 months of their permit coverage being extended, and Mound will coordinate with MCWD to make sure the City is aware of all rule updates.*

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- |  |   |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants.  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Site inspections and records of rainfall events   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. BMP maintenance   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*The City has given its regulatory authority to Minnehaha Creek Watershed District regarding construction site stormwater runoff control, and a Memorandum of Understanding between the City and MCWD outlines permitting authority. A copy of*

the MOU and the City Resolution returning authority to MCWD have been attached as CityofMound\_MCWD-MOU and CityofMound\_MCWD-MOU2011update. MCWD's rule does not currently meet permit requirements. MCWD will update their rule within 12 months of their permit coverage being extended, and Mound will coordinate with MCWD to make sure the City is aware of all rule updates.

## Post-construction stormwater management

A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?

☒ Yes ☐ No

1. If **yes**:

a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☐ Ordinance ☐ Contract language

☐ Policy/Standards ☐ Permits

☐ Rules

☒ Other, explain: Minnehaha Creek Watershed District - Stormwater Management Rule

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*MCWD: Stormwater Management Rule*

Direct link:

<http://www.minnehahacreek.org/sites/minnehahacreek.org/files/pdfs/regulatory/Stormwater%20Management%20Rule.pdf>

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention:  
*MS4NameHere\_PostCSWreg.*

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No

2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):

a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No

1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).

2) Stormwater discharges of Total Suspended Solids (TSS).

3) Stormwater discharges of Total Phosphorus (TP).

b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No

1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).

2) Stormwater discharges of TSS.

3) Stormwater discharges of TP.

3. **Stormwater management limitations and exceptions:**

a. Limitations

1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No

a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.

b) Where vehicle fueling and maintenance occur.

c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.

d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

- 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:
- a) With predominately Hydrologic Soil Group D (clay) soils.
  - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
  - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
  - d) Where soil infiltration rates are more than 8.3 inches per hour.
- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process.
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference:
    - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
    - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
    - 3) Locations in the next adjacent DNR catchment area up-stream
    - 4) Locations anywhere within the permittee's jurisdiction.
  - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.
  - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.
  - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity.
  - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.
  - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance.
  - b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party.
  - c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met.

☐ Yes ☒ No

☐ Yes ☒ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

*The City has given its regulatory authority to Minnehaha Creek Watershed District regarding post-construction stormwater management, and a Memorandum of Understanding between the City and MCWD outlines permitting authority. A copy of the MOU and the City Resolution returning authority to MCWD have been attached as CityofMound\_MCWD-MOU and CityofMound\_MCWD-MOU2011update. MCWD's rule does not currently meet permit requirements. MCWD will update their rule within 12 months of their permit coverage being extended, and Mound will coordinate with MCWD to make sure the City is aware of all rule updates.*

### III. Enforcement Response Procedures (ERPs): (Part II.D.3)

A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere\_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

*Within 12 months from the date permit coverage is extended, the City will develop written procedures that will satisfy these requirements.*

B. Describe your ERPs:

### IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

*The storm sewer map was initially completed in 2008 and is updated annually as development occurs. The map was updated with the pond inventory, including structural BMPs and outfalls, in 2011, and the Pond Inventory Form was submitted to the MPCA on October 31, 2011.*

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
2. A geographic coordinate. ☒ Yes ☐ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA ☐ Yes ☒ No on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere\_inventory*.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

## V. Minimum Control Measures (MCMs) (Part II.D.5)

### A. MCM1: Public education and outreach

- The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

*Mound is primarily residential, and therefore, the focus for education is mostly on residential issues. However, no specific high-priority topics have been identified. Stormwater articles are included in the City newsletter, which is distributed quarterly. A presentation is given to the City Council annually explaining the specific components of the SWPPP. The City also relies on the Minnehaha Creek Watershed District (MCWD) for education, including the posting of stormwater management and pollution prevention information on their website and the sponsoring of water resources related events.*

- List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

**If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Distribute Educational Materials	Circulate a newsletter that includes stormwater articles to approximately 4,200 households and businesses. Display various stormwater brochures at City Hall for public use. – newsletter quarterly
Community Events	Sponsor community events to help manage and increase awareness of stormwater runoff and associated pollutants (e.g. cleanup days). – annually
Presentation to City Council	Present to City Council on components of SWPPP to increase Council awareness of stormwater runoff issues. – annually
Partner with MCWD for Public Education and Outreach	Provide assistance with water resources related events. – as requested by MCWD
Stormwater Education on City Website	Post information regarding NPDES requirements and stormwater to the city website. – as necessary
Training	Train all City staff on erosion and sediment control, illicit discharge detection, and stormwater runoff management. - annually
BMP categories to be implemented	Measurable goals and timeframes
Partner with MCWD for Public Education and Outreach	Post links to events and activities sponsored by MCWD on the City's website. – within 12 months of permit coverage being extended
Social Media	Post messages or provide links regarding stormwater management and pollution prevention on Facebook and Twitter.



	– within 12 months of permit coverage being extended
Stormwater Education on City Website	Develop a Stormwater Information page with information regarding stormwater management, pollution prevention, and additional resources to be included on the City's website. Provide a link to MCWD's website. Also provide links to current SWPPP, MS4 permit, and application for public viewing. – within 12 months of permit coverage being extended
Program Evaluation	Review Education Program for effectiveness and future needs. - annually

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Carlton Moore - Public Works Director*

## B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

*Every year, the City presents and hears comments on the SWPPP at a regular City Council meeting. This is typically done at a meeting in the Spring, and a notice is provided to the public on the City's website and at City Hall.*

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Appropriate Public Notice	Provide a notice of 30 days for the annual public meeting to present accomplishments and discuss the SWPPP. The meeting will run concurrently with a City Council meeting. Notice will be posted in local newspapers, the City website, and at City Hall. - annually
Solicit Public Input	Accept correspondence to report illicit discharges, provide comments regarding the SWPPP, and report construction site runoff violations. All comments received are documented and then routed to appropriate staff. – continuously
Annual Meeting	Host annual meeting to run concurrently with City Council meeting to present accomplishments and discuss the SWPPP. - annually

BMP categories to be implemented	Measurable goals and timeframes
Online Availability of SWPPP Document	Provide a PDF of the current SWPPP on the City's Stormwater Information page. - update annually.

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Carlton Moore - Public Works Director

### C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

*The City will update its ordinances to meet permit requirements regarding Illicit Discharge Detection and Elimination within 12 months of permit coverage being extended. Also, MCWD recently adopted a final version of their IDDE rule. The City will partner with MCWD to inspect for illicit discharges. A Storm Sewer Map has been created that shows the locations of all storm catchbasins, manholes, pipes over 12", and outfalls within the City.*

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?
- a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No
  - b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No
  - c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☐ Yes ☒ No
  - d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☐ Yes ☒ No
  - e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☐ Yes ☒ No
  - f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☐ Yes ☒ No
  - g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
  - h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*The City will update its ordinances to meet permit requirements regarding Illicit Discharge Detection and Elimination within 12 months of permit coverage being extended. Also, MCWD recently adopted a final version of their IDDE rule. The City will partner with MCWD to inspect for illicit discharges. The training program for all City staff will be updated, if necessary, regarding IDDE, and staff is currently directed to inspect for illicit discharges during all normal work activities. High potential areas for IDDE will be identified and added to the City's Storm Sewer Map. Procedures for response, investigating, locating, and eliminating illicit discharges will be developed. All required tasks will be completed within 12 months of permit coverage being extended.*

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Storm System Map	Maintain map and update with changes to City's storm sewer, structural BMPs, ponds, and outfalls. – annually
Inspection	City staff is directed to inspect for illicit discharges during all normal work activities. Site specific inspections are also performed when reports are received from the general public. –

	continuously
Training	Provide training for City staff. – annually
Public and Employee IDDE Information Program	Provide education to City staff, businesses, and the public regarding IDDE through stormwater articles in the newsletter, the MCWD website, and a presentation to City Council.
<b>BMP categories to be implemented</b>	<b>Measurable goals and timeframes</b>
Regulatory Control Program	Update ordinances to meet permit requirements for IDDE. – within 12 months of permit coverage being extended
Training	Update training program for all City staff regarding IDDE, if necessary, due to new permit requirements and MCWD rules. – within 12 months of permit coverage being extended
Storm System Map	Add high-priority outfalls and high potential land uses for illicit discharge inspection to the City's storm system map. – within 12 months of permit coverage being extended
Inspection	Designated City staff will perform inspections of high-priority outfalls, and around high potential land uses (fast food restaurants, dumpsters, car washes, mechanics, and oil changers). Information from previous inspections will be used to determine further high potential outfalls. Inspections will be performed in dry-weather as much as possible. – monthly

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

*Procedures for record-keeping of the Illicit Discharge, Detection and Elimination Program will be developed in accordance with the permit requirements and the new MCWD rule within 12 months of permit coverage being extended.*

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Carlton Moore - Public Works Director*

#### **D. MCM 4: Construction site stormwater runoff control**

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

*The City has given its regulatory authority to Minnehaha Creek Watershed District regarding construction site stormwater runoff control, and a Memorandum of Understanding between the City and MCWD outlines permitting authority. The City's requires any application for a building permit, subdivision, land disturbing activity greater than or equal to one acre, or area where City determines activity poses risk to water resources to include a stormwater pollution prevention plan for review. Also, the applications state that City permits will not be released until the City is provided a copy of any MCWD permits required or written confirmation from MCWD that no permit is needed. Review of construction site stormwater pollution prevention plans are performed prior to any land disturbance and appropriate selection and use of BMPs are coordinated with Owners and Contractors. In addition to review, the City relies on MCWD for inspections of construction sites and enforcement of erosion and sediment control violations.*

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

- Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
- Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
- Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☒ Yes ☐ No
- Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
  - Does your program include procedures for identifying priority sites for inspection? ☒ Yes ☐ No

- 2) Does your program identify a frequency at which you will conduct construction site inspections? ☒ Yes ☐ No
- 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
- 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No
- e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
- f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance and other Regulatory Program	Rely on City code and MCWD regulatory requirements for plan review and approvals. Rely on MCWD for inspection of construction sites and enforcement of erosion and sediment control violations. – continuously
BMP categories to be implemented	Measurable goals and timeframes

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Carlton Moore - Public Works Director

#### E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

*The City has given its regulatory authority to Minnehaha Creek Watershed District regarding post-construction stormwater management, and a Memorandum of Understanding between the City and MCWD outlines permitting authority. City applications state that City permits will not be released until the City is provided a copy of any MCWD permits required or written confirmation from MCWD that no permit is needed. Also, a copy of maintenance agreements for any required stormwater management facilities must be submitted to the City prior to any land disturbance. The City also reviews stormwater management plans to ensure any structural facilities fit City needs and vision.*

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No

3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
  - b. All supporting documentation associated with mitigation projects that you authorize? ☒ Yes ☐ No
  - c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☒ Yes ☐ No
  - d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Regulatory Program	Rely on MCWD to review and approve post-construction stormwater management plans for required projects. Review stormwater management plans regarding City needs and vision. – continuously
Long Term Operation and Maintenance	Operate and maintain publicly owned stormwater management facilities in accordance with permit requirements. Rely on MCWD for Maintenance Agreements requiring property owners/Homeowners Associations to maintain structural facilities. Inspect all facilities in the next five years. – continuously
BMP categories to be implemented	Measurable goals and timeframes

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Carlton Moore - Public Works Director*

## F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

*Mound inspects its structural pollution control devices on an annual basis and inspects all ponds and outfalls at least once every five years. City staff inspects publically owned areas for potential discharges. Street sweeping is conducted twice a year, in the spring and fall, to remove deposits of sand and debris.*

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

*A Facility Inventory will be developed in accordance with permit requirements within 12 months of permit coverage being extended.*

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Training	Provide training for City staff. – annually
Street Sweeping	Sweep streets to remove sediment and debris from paved surfaces and minimize amount of material received by storm drainage system. – annually
Inspection	Inspect all stormwater pollution control devices annually. Inspect all outfalls and ponds once every five years. Inspect all exposed stockpiles, storage, and material handling areas after all rain events of 1" or greater.
BMP categories to be implemented	Measurable goals and timeframes
Facility Inventory	Develop a Facility inventory of City-owned properties and buildings. – complete within 12 months of permit coverage extension and update annually
Pond Assessment Procedures	Develop procedures for determining TSS and TP treatment effectiveness of City ponds used for stormwater treatment. – complete procedure development within 12 months of permit coverage extension and implement assessment of all ponds within the next five years.
Inspection	Increase inspection frequency of public facilities to once a week and after any rain event. Increase inspection frequency of stockpiles and storage and material handling areas as described in the Facility Inventory to once a quarter. Utilize a checklist that documents findings and allows staff to compare to previous inspections. – continuously
SWPPP Update	Update SWPPP to include Enforcement Response Procedures (ERPs), IDDE High Potential Map, Facility Inventory, BMP Effectiveness Assessment Procedures, and any other revisions necessary to meet requirements of new permit. – complete within 12 months of permit coverage extension

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:
- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☒ Yes ☐ No
- 2) Source water protection areas for surface intakes identified in the source water ☒ Yes ☐ No



assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13?

- C. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☒ Yes ☐ No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☒ Yes ☐ No
8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:
- a. Addresses the importance of protecting water quality? ☒ Yes ☐ No
- b. Covers the requirements of the permit relevant to the duties of the employee? ☒ Yes ☐ No
- c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☒ Yes ☐ No
9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*Within 12 months of permit coverage being extended, Mound will develop procedures for determining TSS and TP removal effectiveness of stormwater treatment ponds and a schedule for implementation.*

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Carlton Moore - Public Works Director*

## VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No
1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere\_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No
1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere\_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VIII. Add any Additional Comments to Describe Your Program



5341 MAYWOOD ROAD  
MOUND, MN 55364-1687

PH: (952) 472-0600  
FAX: (952) 472-0620  
WEB: [www.cityofmound.com](http://www.cityofmound.com)

August 24, 2011

Minnehaha Creek Watershed District (MCWD) Board of Managers  
Attn: Eric Evenson, Executive Director  
18202 Minnetonka Boulevard  
Deephaven, MN 55391

**Re: City of Mound Rules Authority and Permitting**

On September 1, 2010, the Minnehaha Creek Watershed District adopted new rules related to wetlands, floodplain, shoreline and streambank stabilization, waterbody and crossings and erosion control. Additionally, the MCWD adopted new stormwater rules on June 1, 2011. Municipalities were given a 1-year deadline by the MCWD to update their ordinances, that being September 1, 2011.

The City of Mound currently has permitting responsibility for Rule B (erosion control), Rule C (floodplain control), Rule D (wetland protection and Rule N (stormwater management). Details regarding the City's current permitting authority are outlined in the current *Memorandum of Understanding* between the City of Mound and the MCWD. Specifically, Sections 1.4 and 3.3 outline the City's requirement to maintain local management and permitting of the rules (*or portions thereof*) as well as the process to maintain or turnback these responsibilities.

In accordance with Sections 1.4 and 3.3 of the *Memorandum of Understanding*, you are hereby advised that the Mound City Council, at its July 20, 2011 special meeting, voted to approve turning back local management and permitting of the new rules, which go into effect on September 1, 2011, to the MCWD. Additionally, at its August 23, 2011 meeting, the City Council considered and took action on Resolution No. 11-56 to officially turn back regulatory and permitting responsibilities.

On behalf of the City of Mound, it is respectfully requested, that you please confirm, in writing, no later than five (5) days from the date of this letter that any and/or all land use or related project or permit approvals, whether constructed or not, that were approved and authorized by the City of Mound during the time it had permitting authority for the aforementioned rules from August 2002 until the effective date of the new rules, which is September 1, 2011, shall remain under Mound's management and permitting authority in the future and are subject to the rules in effect at the time the City's approvals were granted. If you have any questions regarding this letter or require any additional information, please feel free to contact me at 952.472.0636.

Sincerely,

Carlton Moore  
Public Works Director



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**CITY OF MOUND  
RESOLUTION NO. 11-56**

**RESOLUTION RETURNING EXCLUSIVE REGULATORY AUTHORITY  
UNDER MINNEHAHA CREEK WATERSHED DISTRICT RULES B, C, D AND N  
TO THE MINNEHAHA CREEK WATERSHED DISTRICT**

**WHEREAS**, pursuant to Minnehaha Creek Watershed District ("MCWD") Resolution 09-062 the City of Mound and the MCWD did, on or about September 17, 2009 enter into a Memorandum of Understanding which transferred to Mound the exclusive regulatory authority, including the right to issue permits, over MCWD Rules B, C, D and N, all as provided in and subject to the provisions to said Memorandum of Understanding; and


**WHEREAS**, the City of Mound has determined that it no longer wishes to retain the regulatory authority granted to it by MCWD Resolution 09-062 and the Memorandum of Understanding, and wishes to cede such authority to the MCWD.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Mound, Minnesota as follows:

1. Except as provided in section 3.3 of the Memorandum of Understanding, regarding previously issued permits, the City of Mound hereby cedes the regulatory authority granted to it in the Memorandum of Understanding to the MCWD and hereby authorizes the MCWD to reassume all such regulatory authority in lieu of the City of Mound.
2. The action described in paragraph 1 above shall be effective as of September 1, 2011.
3. A copy of this Resolution will be promptly transmitted to the MCWD along with a letter to be signed by the Mound Public Works Director further describing the action.
4. The Mayor and City Manager are directed to take all steps necessary to carry out the intentions of this Resolution.

Adopted by the City Council of the City of Mound, Minnesota this 23<sup>rd</sup> day of August 2011.

  
Attest: Bonnie Ritter, City Clerk

  
Mayor Mark Hanus

**MEMORANDUM of UNDERSTANDING  
Local Water Planning and Regulation**

**RECEIVED**  
SEP 28 2009

**Minnehaha Creek Watershed District and the City of Mound**

This Memorandum of Understanding (MOU) is made by and between the Minnehaha Creek Watershed District, a watershed district with purposes and powers as set forth at Minnesota Statutes Chapters 103B and 103D (MCWD), and the City of Mound, a body corporate and politic and a statutory city in the State of Minnesota.

**Recitals and Statement of Purpose**

WHEREAS in 2007 the MCWD revised its watershed management plan (WMP) under Minnesota Statutes §103B.231, which details the existing physical environment, land use and development in the watershed and establishes a plan to regulate water resource use and management to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS the WMP incorporates the Rules adopted by the MCWD to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D;

WHEREAS Mound has developed a local water management plan under Minnesota Statutes §103B.235 that describes the existing and proposed physical environment and land use within Mound and sets forth a regional subwatershed based capital improvement implementation plan for bringing local water management into conformance with the WMP;

WHEREAS on June 18, 2009, the MCWD Board of Managers approved Mound's local water management plan by adoption of Resolution 09-062, attached and incorporated herein and that requires, as a precondition of approval, that Mound and the MCWD enter into this MOU to memorialize their respective roles as to water resource protection and management within city boundaries;

WHEREAS Mound currently exercises sole regulatory authority within city boundaries with respect to matters now subject to regulation under MCWD Rules B

(erosion control), C (floodplain alteration), D (wetland protection), and N (stormwater management) and wishes to continue to exercise sole authority;

WHEREAS MCWD approval of a local plan requires a finding that municipal ordinances are at least as protective of water resources as the MCWD Rules;

WHEREAS the finding by the MCWD Board of Managers that Mound's municipal ordinances meet this criterion rests on Mound's commitment to adopt ordinances that are materially equivalent to MCWD Rules B (erosion control), C (floodplain alteration), D (wetland protection), and N (stormwater management);

NOW THEREFORE it is mutually agreed by and between the parties that they enter into this MOU in order to document the understanding of the parties as to the roles and responsibilities of each.

#### **1.0 Responsibilities of Mound**

1.1 Mound retains and may exercise all municipal authority to issue permits for and regulate activities within its boundaries that affect water resources.

1.2 Within 180 days of June 18, 2009, Mound will adopt an ordinance or ordinances meeting the terms of this MOU, with the written determination of MCWD staff that the ordinance(s) is or are materially equivalent to MCWD Rule B, C, D, or N. If this requirement is not met, the MCWD will reassert its regulatory authority under Rules B, C, D, and N for activities that have not received all required approvals under Mound's water resource ordinances as of that date.

1.3 In accordance with Minnesota Statutes §103B.211, subdivision 1(a)(3)(ii), the MCWD must approve the granting of any variance under a Mound ordinance for which the MCWD has ceased to exercise regulatory authority.

1.4 Within 180 days of written MCWD notice that it has revised a rule for which Mound exercises sole authority pursuant to paragraph 1.2, Mound must revise its ordinance(s) to maintain material equivalence and obtain MCWD concurrence in the revision. MCWD will provide the City of Mound with Rule language as part of this notification. Alternatively, Mound may ask the MCWD to reassert its own regulatory authority as to that rule.

1.5 Mound will designate a staff member as the official point of contact for regulatory matters under this MOU. Mound will:

- a. Maintain a log of permits issued or considered under its water resource ordinance(s), and include in the log the permit site location, the date the application was received and /or issued, and a brief description of the project. This log will be forwarded to the District annually and made available upon request.
- b. Notify the MCWD of work by Mound subject to the ordinances governed by this MOU prior to initiation of work.
- c. Include the MCWD as a recipient of any public notices as provided in the ordinances governed by this MOU for MCWD staff to review and forward comments on the project.
- d. Provide available project plans and specifications to the MCWD on request.

Mound and the MCWD will meet by March 1st annually to review Mound's regulatory activity under this MOU.

1.6 Annually, by the date specified for Mound's submittal of its annual report under its NPDES municipal stormwater permit, Mound will submit to the MCWD a concise but specific report describing:

- a. Progress on the local water management plan implementation program.
- b. Progress on meeting phosphorus load reduction requirements of the WMP.
- c. Any adjustments to the implementation and/or capital improvement program in the local water management plan.
- d. The permit log described in paragraph 1.5, above.
- e. A listing, with further specific available information as the MCWD may request, of grading and structural alterations approved or occurring within city boundaries since the last annual report (both private and public alterations) that could measurably affect hydraulic and hydrologic model outcomes.

Mound may incorporate its annual report into its NPDES MS4 annual report, provided it addresses the above items with specificity.

## **2.0 Responsibilities of the MCWD**

2.1 The MCWD will continue to apply and enforce its Rules, as they may be amended from time to time, to activity within Mound, except as provided under paragraph 1.2, above. Specifically, but not exclusively, the MCWD will continue to apply its rules: (a) other than those regarding erosion control, floodplain alteration, wetland protection, and stormwater management; and (b) to actions by parties to whom Mound's ordinances do not apply. The MCWD will continue to perform NPDES compliance monitoring pursuant to its joint powers agreement with the Minnesota Pollution Control Agency and may perform similar regulatory activities by agreement with other public bodies.

2.2 Mound and the MCWD will meet at least annually to review Mound's regulatory activity under this MOU.

2.3 The MCWD retains all authority that it may possess under Minnesota Statutes Chapters 103B and 103D and any other provision of law, except as explicitly withdrawn under this MOU, including but not limited to authority set forth at Minnesota Statutes §§103B.211, subdivision 1(a); 103D.335 and 103D.341. The MCWD may use its authority under Minnesota Statutes §103D.335, subdivision 14, to inspect work subject to Mound permits whether or not the work is subject to an MCWD permit.

## **3.0 General**

3.1 If the MCWD has reason to believe that Mound is not adequately implementing its regulatory program as approved, it may engage Mound in a review of its concerns. If the MCWD Board of Managers, after engagement with Mound and a public hearing, finds that Mound is not adequately implementing its regulatory program, it may by resolution reassert MCWD regulatory authority as to all actions that have not yet received all required approvals under Mound water resource ordinances. The Board may consider whether: (a) ordinances have been adopted and conform to standards approved by the MCWD; (b) ordinances have been applied as written and MCWD approval of variances has been sought per §103B.211; (c) technical expertise and

program resources as described in the local plan have been maintained; and (d) compliance has been reasonably monitored and enforced.

3.2 The MOU is effective on the date that it has been executed by both parties, will remain in effect for five years, and will be extended automatically for five-year terms unless terminated by agreement of the parties. Notwithstanding, Mound will continue to be subject to applicable statutes and rules requiring that it revise its local water management plan in response to MCWD revisions of the WMP.

3.3 At any time, the City of Mound may, with 60 days written notice, authorize MCWD to reassert its authority for any rule reposed solely to Mound under this MOU. However, if such notification results from an amendment to any such rule, the notice period will be the lesser of 60 days, or the effective date of the amendment. MCWD agrees that it is obligated to accept such reassertion of authority. Upon return of said authority to MCWD, Mound shall no longer be bound by the requirements of this Memorandum under sections 1.2, 1.3, 1.4, 1.5, 1.6 d and 3.1 as they relate to that rule, except for permits issued prior to the date on which the MCWD reassumed authority which shall remain under Mound's WMP permitting authority. Mound shall remain as permitting authority for any and/or all remaining rules as authorized by the City and MCWD in this MOU.

3.4 This MOU shall not be deemed to confer upon Mound any authority or obligation with respect to any present or future MCWD Rule other than those specifically mentioned herein.

3.5 This MOU may be amended only by a writing signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding.

CITY OF MOUND

By

Mayor

MINNEHAHA CREEK WATERSHED DISTRICT

By

President, Board of Managers

Date:

Date:

9-17-09

By

City Manager

Date:

APPROVED AS TO FORM AND  
EXECUTION

By

Its Attorney

## Minnehaha Creek Watershed District

## REQUEST FOR BOARD ACTION

**TITLE:** City of Mound Local Water Management Plan – Approval

**Date:** 6/18/09

**ITEM TYPE:** ☒ Action ☐ Consent  
☐ Discussion ☐ Information

**PREPARED BY:** Nathaniel Kale

**TELEPHONE:** 952-471-0590 x 229

**E-MAIL:** nkale@minnehahacreek.org

**REVIEWED BY:** ☐ Administrator ☐ Board Committee  
☒ Counsel ☐ District Engineer  
☐ Consulting Engineer ☐ District Technician  
☒ Planner/Program Mgr ☐ Communications  
☐ Other

**Fiscal/FTE Impact:**

- ☒ None  
☐ Amount included in current budget  
☐ Budget amendment requested  
☐ Project/program adjustment needed for FTE  
☐ FTE included in current complement  
☐ New FTE(s) requested  
☐ Other (include explanation in text).

**PURPOSE or ACTION REQUESTED:**

Conditional approval of the City of Mound Local Water Management Plan

**SUMMARY:**

The City of Mound has submitted a Local Water Management Plan for MCWD review and approval. The historic timeline of the review is as follows:

- April 17, 2008: City of Mound submits Local Water Management Plan (LWMP) to MCWD for review
- April 25, 2008: MCWD administratively denies Mound LWMP
- May 5, 2008: MCWD staff discusses Mound LWMP with Metropolitan Council
- September 4, 2008: City of Mound submits revised LWMP
- October 22, 2008: Second administrative denial of LWMP
- November 12, 2008: City of Mound submits second revision of LWMP
- December 2008 – April 2009: Staff discussions regarding Lake Minnetonka floodplain elevation

The City of Mound has updated the draft plan to reference information consistent with State Rules Chapter 8410 and Minnesota Statute 103B.235 and also reference the policies identified in the 2007 MCWD Comprehensive Water Resources Management Plan. The City has proposed to retain implementation authority for MCWD Rules B, C, D, and N; implementation for other MCWD Rules will remain with the MCWD. The City has proposed to retain Minnesota Wetland Conservation Act Local Government Unit status. MCWD staff has verified that the Local Water Management Plan is generally consistent with the goals and policies of the Watershed District. The following items are included for review in this packet:

- Plan Summary
- MCWD official denial letter, October 2008
- District Engineer review, October 2008
- Minnetonka Floodplain Memo, December 2008

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the City of Mound's Local Water Management Plan effective on the execution by MCWD and the City of Mound of a Memorandum of Understanding materially equivalent to the Memorandum included in this packet as resolution 09-063 within 60 days of the passage of this resolution.

**EXPLANATION OF FISCAL/FTE IMPACT:**

Local water resource management plans reviews are budgeted for 2009.



## **RESOLUTION**

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**RESOLUTION NUMBER: 09-062**

**TITLE: City of Mound Local Water Resources Management Plan - Approval**

WHEREAS, on July 5, 2007, the MCWD adopted amendments to its comprehensive watershed management plan under Minnesota Statutes § 103B.231, which, as amended, details the existing physical environment, land use and development in the watershed and established a plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, the MCWD Comprehensive Water Resources Management Plan, as amended incorporates the Rules adopted by the MCWD to protect water resources, improve water quality, prevent flooding and otherwise achieve the goals of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, the City of Mound completed a draft Local Water Management Plan and submitted it to the MCWD for review and approval in 2008; and

WHEREAS, MCWD reviewed the draft Plan and provided detailed review comments to the City for consideration and incorporation into the Plan; and

WHEREAS, the City subsequently prepared and submitted revisions to the Local Water Management Plan for MCWD to review; and

WHEREAS, MCWD reviewed the revised plan and provided further comments to the City for consideration and incorporation into the Plan; and

WHEREAS, the City of Mound prepared and submitted final revisions for the Local Water Management Plan to MCWD which incorporated MCWD review comments; and

WHEREAS, the MCWD has determined that the final revised Plan, on occurrence of the conditions stated below, will be consistent with the MCWD Water Resources Management Plan; and

WHEREAS, the Metropolitan Council has received the Local Water Management Plan and has provided its written to the MCWD and the District has fully considered the comments; and

WHEREAS the MCWD has determined that the Plan generally meets the requirements for local plan approval set forth in the MCWD's watershed management plan; and

WHEREAS the City wishes to continue to exercise authority as the Local Government Unit for the Minnesota Wetland Conservation Act; and

WHEREAS the City presently exercises, and wishes to continue to exercise, sole regulatory authority for activities subject to MCWD Rules B, C, D, and N; and

WHEREAS the MCWD's ability to approve the Plan rests on the City's agreement to continue to enforce ordinances that implement all of the requirements in MCWD Rules B, D, and N within those parts of the City where the MCWD has jurisdiction, as well as the City's agreement to update said ordinances within 180 days of the revision and adoption of Rules B, C, D, or N by MCWD;

NOW, THEREFORE, BE IT RESOLVED, that the MCWD hereby approves the City of Mound Local Water Management Plan, effective on the fulfillment of the following conditions:

- a. MCWD and the City of Mound execute the Memorandum of Understanding included as Resolution 09-063 in this Packet or a substantially equivalent Memorandum within 60 days of the passage of this resolution, establishing implementation and annual reporting responsibilities between the MCWD and the City.

Resolution Number 09-063 was moved by Manager \_\_\_\_\_ seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_\_\_ ayes, \_\_\_\_\_ nays, \_\_\_\_\_ abstentions. Date: \_\_\_\_\_.

\_\_\_\_\_  
Lee Keeley, Secretary Date: \_\_\_\_\_